

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMERICAN SEAFOODS CO., LLC,

Plaintiff,

vs.

MASON W. SWEENEY,

Defendant.

No. C08-1434Z

ORDER

THIS MATTER comes before the Court on defendant American Seafoods Co., LLC's ("American Seafoods") motion for summary judgment, docket no. 37. In its motion, American Seafoods requests a declaratory judgment that it has paid all maintenance, cure, and unearned wages owed to Defendant Mason Sweeney. Id.

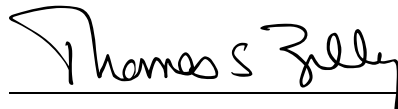
The Declaratory Judgment Act "confer[s] on federal courts unique and substantial discretion in deciding whether to declare the rights of litigants." Wilton v. Seven Falls Co., 515 U.S. 277, 286 (1995); see also 28 U.S.C. § 2201(a) ("In a case of actual controversy within its jurisdiction, . . . any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of

1 any interested party seeking such declaration, whether or not further relief is or could  
2 be sought.”). The Court shall grant summary judgment if the movant shows that there  
3 is no genuine dispute as to any material fact and the movant is entitled to judgment as  
4 a matter of law. Fed. R. Civ. P. 56(a).

5  
6 Here, American Seafoods has submitted unopposed evidence<sup>1</sup> that demonstrates  
7 that it has satisfied its obligation to pay maintenance, cure, and unearned wages to  
8 Defendant Mason Sweeney arising out of the injury he sustained while working as a  
9 seaman aboard the F/T KATIE ANN in June 2007. See, e.g., Gaspich Decl., Exs. 3-5,  
10 docket no. 35. Accordingly, the Court hereby DECLARES, pursuant to 28 U.S.C.  
11 § 2201 that American Seafoods has paid all maintenance, cure, and unearned wages  
12 owed to defendant Mason Sweeney. The Clerk is DIRECTED to enter judgment,  
13 consistent with this Order dismissing this action.  
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15 IT IS SO ORDERED.

16 DATED this 20th day of January, 2011.

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20 Thomas S. Zilly  
21 United States District Judge  
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26 <sup>1</sup> The Court also construes defendant’s failure to oppose plaintiff’s motion for summary judgment as an admission that the motion has merit. Local Rule CR 7(b)(2).